IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 485 OF 2007

Smt. Blanche Carneiro .... Petitioner

V/s

State of Goa & Ors. .... Respondents

Mr. M.S. Joshi, Advocate for the Petitioner.
Ms. W. Coutinho, Govt. Advocate for Respondents No. 1,2,5,6 & 7.
Mr. Nitin Sardessai, Advocate for Respondent No.3.
Mr. P.A. Kamat, Advocate for Respondent No.4.
Mr. J. Godinho, Advocate for Respondent no.8.
Mr. R. Menezes, Advocate for Respondent No.9.

CORAM : D.B. BHOSALE &
N.A. BRITTO, J.J.

DATE :10th DECEMBER, 2007

ORAL ORDER :

Heard learned Counsel for the parties.

2. In this Writ Petition, the Petitioner has made the following prayer;

a. For a Writ of Mandamus or a writ in the nature of Mandamus or any other appropriate Writ, direction or order directing the respondents No.1 to Nos. 8 to take action against respondent No.9 for carrying out commercial or illegal activity of enclosing the car parking area and illegally converting it into a general store and Auto-repair garage cum workshop contrary to the Goa Housing Board Act and Rules and Regulations and to demolish the building constructed in plot No. 51 which is

constructed in the total violation of the licenses and plans granted by respondent No. 2 and 3.

3. We are informed by the learned Counsel for Respondent No.3 that the Panchayat had issued demolition order against Respondent No.9. Respondent No.9 carried that order in appeal before the Director of Panchayat. In appeal, the matter was remanded to the Panchayat and the Panchayat is presently ceased of the matter in respect of demolition of unauthorized construction. In the meanwhile, Respondent No.9 has made an application to the Panchayat seeking regularization of the unauthorized construction, which Panchayat, in turn forwarded it to Respondent No.2. Respondent No.2 has yet not decided the said representation. In the circumstances, we are satisfied that the following order shall meet the ends of justice.

a) Respondent No.2 shall grant hearing to the Petitioner before taking any decision on the representation made by Respondent No.2, seeking regularization of the unauthorized construction. Respondent No.2 shall issue notice to the Petitioner, so also to Respondent No.9, of the hearing and shall decide the application forwarded by the Panchayat, seeking regularization, as expeditiously as possible and preferably within a period of six weeks from the date of receipt of this order. In the event, Respondent No.2 rejects the application filed by Respondent No.9 seeking regularization, the Panchayat

shall take appropriate decision within a period of four weeks therefrom.

5. With these directions, the Writ Petition is disposed of.

D.B. BHOSALE, J.

N.A. BRITTO, J.

NH/-